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GRAZING IN CAPITOL REEF NATIONAL PARK

SEPTEMBER 16, 1982.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. UDALL, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany S. 1872]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 1872) to amend the Act establishing the Capitol Reef National Park in the State of Utah to provide for a grazing phaseout schedule, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, line 3, strike out all after the enacting clause and insert in lieu thereof:

SECTION 1. Where any Federal lands included within the boundary of Capitol Reef National Park are legally occupied or utilized on the date of enactment of this Act for grazing purposes, pursuant to a lease, permit, or license which is—

(1) for a mixed term of years issued or authorized by any department, establishment, or agency of the United States, and

(2) scheduled for termination before December 31, 1987,

notwithstanding the provisions of section 3 of the Act of December 18, 1971, entitled "An Act to establish the Capitol Reef National Park in the State of Utah" (85 Stat. 740; 16 U.S.C. 273b), the Secretary of the Interior shall allow the persons holding such grazing privileges (or their heirs) to retain such grazing privileges until December 31, 1987.

SEC. 2. The Secretary of the Interior, acting through the Director of the National Park Service, shall take such steps as may be necessary to, within 90 days after the enactment of this Act, enter into a contract with the National Academy of Sciences for the purpose of conducting a study of grazing in Capitol Reef National Park and vicinity to:

(1) determine the historic and current impact of grazing upon the natural ecosystem and cultural resources of the park;

(2) determine the impacts of grazing upon visitor use within the park;

(3) evaluate alternatives to grazing within Capitol Reef National Park including means to increase grazing carrying capacity on adjacent Bureau of Land Management lands;

(4) determine the economic impact upon grazing permit holders, and on the local economy, if such permits were terminated;

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(5) include such other information and findings as may be deemed necessary by the Director of the National Park Service.

Such study shall be conducted in accordance with the best scientific methodology (as set forth by the National Academy of Sciences) and shall be transmitted by the National Academy of Sciences to the Committee on Energy and Natural Resources of the United States Senate, to the Committee on Interior and Insular Affairs of the United States House of Representatives, and to the Director of the National Park Service no later than January 1, 1987. Progress reports regarding the study shall be transmitted to the above Committees on January 1, 1984, and January 1 of each year thereafter.

SEC. 3. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act. No authority under this Act to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriations Acts. Nothing in this section shall be construed to prevent the Secretary of the Interior from utilizing, for purposes of the contract referred to in section 2, funds which are available to the Secretary for such purposes under other authority of law.

Amend the title to read:

An Act to provide for a study of grazing phase out at Capitol Reef National Park, and for other purposes.

PURPOSE

The purpose of S. 1872, as amended, is to require a four year study of the grazing activities within Capitol Reef National Park and to extend those grazing permits currently subject to termination before December 31, 1987 until that date.

BACKGROUND

Capitol Reef National Park was established in 1971 by an Act of Congress which redesignated the Capitol Reef National Monument previously established by Executive Order. The 1971 Act provided that the Secretary was to allow holders of existing grazing permits and their heirs to continue to exercise those permits during the term of the permit and one period of renewal thereafter.

The first of the grazing permits within Capitol Reef National Park were scheduled for termination during 1982.

LEGISLATIVE HISTORY AND RECOMMENDATION

Hearings were held by the Subcommittee on Public Lands and National Parks on S. 1872 and H.R. 5892 on August 10, 1982. The bills were considered on September 9, 1982 at which time a Subcommittee amendment to S. 1872 was adopted and reported to Full Committee. The Committee on Interior and Insular Affairs considered S. 1872, on September 15, 1982, and ordered the bill, as amended, favorably reported, by voice, and recommends it to the House.

SECTION-BY-SECTION ANALYSIS

Section 1 would allow the persons currently holding grazing privileges which would be subject to termination, under existing law, before December 31, 1987, to retain those privileges until that date.

Section 2 directs the Secretary of the Interior, acting through the Director of the National Park Service, to take appropriate action

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within 90 days, to execute a contract with the National Academy of Sciences for the purpose of conducting a four year study of grazing in Capitol Reef National Park.

Specific objectives of the study are set forth and the National Academy of Sciences is required to transmit the report to the affected Committees of the Congress and to the Director of the National Park Service not later than January 1, 1987. Progress reports are to be submitted annually.

The Committee became convinced by the testimony presented that the grazing issue at Capitol Reef presented a singular problem, in that the historical ranching economy of the area which seems to be quite dependent on Federal lands in Capitol Reef would be unusually affected by an abrupt termination of the permits. However, the Committee feels that there is insufficient factual information regarding the impact of grazing on Capitol Reef National Park to justify overturning the existing law.

The Committee believes the adopted language provides full protection for affected permittees during the time required for an adequate study of the issues to be completed and considered by the Congress. However, the Committee does not intend by this action to imply any precedent for further extension of grazing privileges. The Committee also feels that the situation at Capitol Reef is an unusual one and intends that this amendment should not be considered as a precedent for any other unit of the National Park System.

Annual progress reports regarding the study are required to be submitted to the Committee. It is intended that these reports include sufficient information so that study findings during the time reported upon can be fully evaluated.

OVERSIGHT STATEMENT

The Committee intends to carefully monitor the implementation of this legislation to assure compliance with the intent of the Act, but no specific oversight hearings have been conducted on the matter. No recommendations were submitted to the Committee pursuant to Rule X, clause 2(b)(2).

COST AND BUDGET ACT COMPLIANCE

The Committee has determined that the costs incurred as a result of enactment of this bill will be minimal. Time did not permit the Congressional Budget Office to submit an analysis of this legislation prior to the filing of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to rule X, clause 2(a)(4), the Committee finds that enactment of this measure would have no inflationary impact on the national economy.

DEPARTMENTAL REPORT

A report from the Department of the Interior was requested on July 1, 1982. No report has been received.

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